

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 10-0615 JP/LAM

\$48,000.00 IN UNITED STATES CURRENCY,

Defendant,

and

ANDREA ANTHONIA GARNER,

Claimant

**ORDER DENYING WITHOUT PREJUDICE MOTION OF ATTORNEY
RANDALL P. UPSHAW FOR ADMISSION PRO HAC VICE (Doc. 5)**

THIS MATTER is before the Court on the *Motion of Attorney Randall P. Upshaw for Admission Pro Hac Vice (Doc. 5)*, filed July 23, 2010. The Court has considered the motion and relevant law and **FINDS** that the motion is not well-taken and should be **DENIED without prejudice** for the reasons set forth herein.

The motion filed by Mr. Upshaw asks the Court to approve his appearance *pro hac vice* in this proceeding. The Court will deny the motion without prejudice because it fails to comply with the Court's local rules. First, the motion does not indicate that Mr. Upshaw has complied with the requirements of the Court's local rule D. N.M. LR-Civ. 83.3, which states that he "must associate with a member of the Federal Bar who must sign the first pleading and certify that the non-member attorney is a member in good standing of the bar of a state, a territory, or the District of Columbia." In addition to signing the first pleading, the member of the Federal Bar must accept service and

continue in this action unless another Federal Bar member is substituted. Second, the motion “omits recitation of a good-faith request for concurrence” in the motion, as required by D. N.M. LR-Civ. 7.1(a), which warrants summary denial of the motion. Mr. Upshaw may re-file the motion once he has addressed these deficiencies.

IT IS THEREFORE ORDERED that the *Motion of Attorney Randall P. Upshaw for Admission Pro Hac Vice (Doc. 5)* is **DENIED** without prejudice.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE